

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WILLIAM L. SCHOEN, MARY J. NESBIT,
ROBIN L. ROSEWICZ, GEORGE E. POOLE,
JAMES E. SWARTZ, JR., JOHN SOUZA,
AND KAREN SOUZA, individually and as
representatives of a class of participants and
beneficiaries of the Allegheny Technologies
Incorporated Pension Plan;

Plaintiffs

v.

ATI INC., THE ALLEGHENY
TECHNOLOGIES INCORPORATED PLAN
ADMINISTRATIVE COMMITTEE, STATE
STREET GLOBAL ADVISORS TRUST CO.,
AND JOHN DOES 1–5;

Defendants.

Case No. 2:24-cv-01109-KT

**STATE STREET GLOBAL ADVISORS TRUST COMPANY’S
MOTION TO DISMISS PLAINTIFFS’ CONSOLIDATED COMPLAINT**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendant State Street Global Advisors Trust Company (“SSGA Trust Co.”) hereby moves to dismiss Plaintiffs’ Consolidated Complaint in its entirety and with prejudice. For the reasons stated in the accompanying Memorandum of Law in Support of State Street Global Advisors Trust Company’s Motion to Dismiss Plaintiffs’ Consolidated Complaint and the Declaration of Benjamin S. Reilly in Support of State Street Global Advisors Trust Company’s Motion to Dismiss Plaintiffs’ Consolidated Complaint, the Consolidated Complaint should be dismissed in its entirety because (i) Plaintiffs lack standing¹, (ii) Plaintiffs fail to state breach of fiduciary duty

¹ SSGA Trust Co. joins the standing arguments presented by its Co-Defendants ATI Inc. and the Allegheny Technologies Incorporated Plan Administrative Committee (collectively, “ATI”). SSGA Trust Co. also joins other

claims against SSGA Trust Co. (Count I), (iii) and Plaintiffs fail to plead a non-exempt prohibited transaction under ERISA (Counts IV).

WHEREFORE, SSGA Trust Co. respectfully requests dismissal of the Consolidated Complaint in its entirety and with prejudice.

REQUEST FOR ORAL ARGUMENT

SSGA Trust Co. requests oral argument on its Motion to Dismiss Plaintiffs' Consolidated Complaint.

Dated: January 27, 2025

Respectfully submitted,

/s/ James O. Fleckner

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arguments presented by ATI as noted in the accompanying Memorandum of Law in Support of State Street Global Advisors Trust Company's Motion to Dismiss Plaintiffs' Consolidated Complaint.

CERTIFICATE OF SERVICE

I, James O. Fleckner, certify that a copy of the foregoing document, filed through the CM/ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on January 27, 2025.

Dated: January 27, 2025

/s/ James O. Fleckner
James O. Fleckner

CERTIFICATE OF CONFERRAL

I, James O. Fleckner, certify that counsel for both parties conferred concerning the subject of this motion prior to filing, but were unable to resolve or narrow the issues in dispute.

Dated: January 27, 2025

/s/ James O. Fleckner
James O. Fleckner